

CITY OF MUSKEGON  
PLANNING COMMISSION  
REGULAR MEETING  
MINUTES

May 13, 2004

Vice-Chairperson, J. Aslakson, called the meeting to order at 4:00 p.m., and roll was taken.

MEMBERS PRESENT: T. Harryman, J. Aslakson, B. Mazade, T. Johnson, T. Michalski,  
L. Spataro

MEMBERS ABSENT: P. Sartorius, excused; S. Warmington, excused; B. Smith.

STAFF PRESENT: B. Lazor, H. Griffith

OTHERS PRESENT: C. Cunningham, 1223 Morgan; G. Shedd, 3388 Herin; G. Teerman, 1144 Anthony; G. Breen, Hooker DeJong; S. Rudholm, 966 Mona Brook; G. Shiffman, 1450 Lakeshore; R. Dhuse, Harbor Theater; J. Booker, 1989 Lakeshore; D. Horton, 15175 Bloom; D. Williams, 2586 E. River.

APPROVAL OF MINUTES

A motion to approve the minutes of the regular meeting of April 15, 2004 was made by T. Johnson, supported by L. Spataro and unanimously approved.

PUBLIC HEARINGS

Hearing; Case 2004-14: Request for a Special Use Permit for child care centers at 1188 Spring and 289 Isabella, by Christine and Stanley Cunningham. B. Lazor presented the staff report. The subject property is located near the intersection of Spring and Isabella. The property is a corner lot with a frontage of 82' and 132'. There are two buildings on this one piece of property. The buildings were formerly owned by a school, which ran a preschool. They both have been vacant for some time. The property is located in a residential area. There is a fenced in back yard for the children to play in. The Zoning Ordinance requires that child care centers have one (1) parking space for each four hundred (400) sq. ft. of usable floor area. The center requires 7 parking spots. The Case went before the ZBA on April 13, 2004 and it was approved to lessen the required amount of off street parking. There is plenty of on-street parking available and staff determined that 4 cars could be parked on site. The property is zoned R-1, Single Family Residential. The zoning ordinance allows for child care center under a special use permit with conditions as outlined below. Muskegon Oceana CAAP had operated a program that appears to be of a similar nature in these to buildings in the past. Since the building is already in place, staff was only able to review the site plan in terms of how the existing site will function, for the purpose of the proposed business. Staff has reviewed the submitted site plan and has the following comments: a) If a dumpster is needed, it will need to be screened. b) No signage information is provided. Please provide to staff if needed. The applicant states that there will be

15 children per building. The zoning ordinance states that there needs to be 35 sq. ft. of play area per child exclusive of hallways, bathrooms, reception and office areas, kitchens, storage areas and closets, and areas a) used exclusively for rest or sleep. Applicant should clearly show that they meet this requirement on the site plan. b) Staff has determined that there are two parking spaces available at each house. The ZBA has approved a variance to waive the requirement for more off street parking. Eugene Leroux of 360 McLaughlin called on 4/30 to say he was glad to see daycare in the area, he has no objection to that. He followed by saying that he was glad to see a business and hope it promotes security in the neighborhood. He says that he has seen improvement with regards to people standing around on the corners. Staff recommends approval of the request with conditions.

B. Mazade arrived at 4:05 p.m.

J. Aslakson asked if reference that the Stated guidelines would need to be met should also be a proposed condition. L. Spataro stated that it would need to be. In order to have a license through the State, the applicant would have to abide by their rules also. He asked the applicant if she is currently operating a daycare and if it was licensed. C. Cunningham stated that she currently has one out of her home, but she would like to move it to a facility. She is licensed by the State. G. Shedd stated that he is the realtor for this property. The buildings are in decent condition. They have been on the market for 8 to 10 months. They look like homes from the outside, but once you go inside, you can tell that it isn't a residential home. There is a lot of open area. He felt that this would be a good use for the buildings and the neighborhood. He stated that the applicant runs a nice operation.

A motion to close the public hearing was made by T. Harryman, supported by L. Spataro and unanimously approved.

T. Michalski stated that he used to run an alternative school in 1 of the buildings. He felt that this would be a valuable addition to the neighborhood.

A motion that the special use permit for a childcare center at 1188 Spring and 289 Isabella by Stanley and Christine Cunningham be approved, based on compliance with the City's Master Land Use Plan and conditions set forth in the City of Muskegon Zoning Ordinance based on the following conditions: 1) If a dumpster is to be located on the site, it will be either located out of public view or screened with a minimum 4-foot screen fence. 2) If signage is needed, details will be provided to staff and will need to meet the zoning ordinance requirements. 3) The applicant needs to show that the buildings meet the 35 square foot of play area per child, was made by L. Spataro, supported by T. Harryman and unanimously approved.

Hearing; Case 2004-15: Request for a Special Use Permit for a bulk propane storage tank and filling apparatus at 387 Ottawa Street, by Gregory Teerman. B. Lazor presented the staff report. The property is bounded by Marquette, E. Western, Ottawa, and the recently vacated Jackson Street. The property is 140' X 396' which contains an existing building. The property is Zoned I-2, General Industrial. The zoning ordinance allows for the bulk storage of highly explosive or toxic gasses as a special use. Currently, there are other tanks located on this side of the property. The applicant wishes to install an 18,000 gallon bulk propane storage tank. This will enable them to compete with similar area facilities. At the Planning Commission meeting last month,

the street to the south of the property was recommended to the City Commission for vacation. The City Commission, at its April 27, 2004 regular meeting, vacated that street. The properties around this building have either an industrial or commercial nature to them. Staff has reviewed the site plan and has the following comments: a) The location of the proposed tank is near other tanks. This location is towards the back of the building. The building has three front setbacks because it is bounded on three sides by streets. Since Jackson was vacated, this becomes the side of the structure. Setbacks would be for a one story building would be 10 on the least side for a total of 20 feet. The site plan shows that the tank is 3.7 feet from the property line to the south. Since the street was vacated, the tank has enough of a setback from the new property line. b) There is a proposed guardrail that protects the tank from impacts. The height of it is not labeled. c) If any new outdoor lighting is installed, it will need to conform to city standards (i.e. down type having 100% cut-off) and needs to be shown on the plan. d) There is no indication if the area is to be paved. If it is, it needs to be a hard surface such as concrete or asphalt. e) The DPW has reviewed the site plan and has accepted it. f) The Fire Department has reviewed the site plan and has accepted it. g) The Police Department has reviewed the site plan and has accepted it. h) The Engineering Department has reviewed the site plan and has accepted it with the condition that the placement of the tank is outside the vacated Right of Way. Staff has not received any phone calls or letters regarding this case. Staff recommends approval of the request with conditions.

G. Teerman stated that they would need to do this addition in order to stay competitive. He explained the guardrail system. L. Spataro asked if they intended to pave the area. G. Teerman stated that there would be no parking near the tank. They were thinking of using a dolomite material. They are willing to accommodate if the City would prefer something else.

A motion to close the public hearing was made by B. Mazade, supported by T. Harryman and unanimously approved.

A motion that the special use permit for a bulk storage propane tank and filling apparatus at 387 Ottawa by Gregory Teerman be approved, based on compliance with the City's Master Land Use Plan and conditions set forth in the City of Muskegon Zoning Ordinance based on the following conditions: 1) The height of the guardrail shall be labeled and shall be included on the same plan as the tank. 2) Any new lighting needs to conform to city standards and must be included on the plan. 3) Any pavement needs to be indicated and must be a hard surface. 4) Any condition set forth by other city and state departments, was made by L. Spataro, supported by T. Harryman and unanimously approved.

Hearing; Case 2004-16: Request for final PUD for Phase II of V at 920 Washington Ave (former Shaw Walker complex), by Gary Breen (Hooker Dejong). B. Lazor presented the staff report. The subject property is just over 21 acres and houses buildings that total approximately 920,000 square feet. Larger buildings in the complex are 5 stories high. The construction dates of buildings in the complex range from 1894 to 1984. The property was approved for a preliminary PUD and Final PUD for phase I last year. This is the second phase of development that will occur. There is one parking area that is associated with this phase and two buildings. The plan calls for 10,840 square feet of commercial space. The plan calls for only one of the two buildings to be used and the other one will be torn down and replaced with parking and green space. The building being reused is one story high. The building proposed to be reused

appears to be an old shipping facility. There are semi-docks spaced along the front of it. The new plan calls for the removal of the dock doors and installation of new glass doors and windows. There will be new stairs leading to the commercial uses. Staff has reviewed the site plan and has the following comments: a) Most of the current parking lot is existing and the setbacks would be non-conforming to the south. Since this is a PUD, flexibility is allowed with setbacks. Where the eastern building is proposed to be torn down, there is proposed to be parking approximately 5' from the property line, but is not labeled. Staff would suggest that since there is plenty of parking available, and the complex would benefit from more green space, eliminating one parking space should not cause a problem. They need 36 spaces and provide 56 spaces. There needs to be a note indicating that the parking area will be paved and striped. b) There is a fence surrounding this area of the complex, like with the last approval, this fence should be either removed or replaced. No barbed wire will be permitted. Any fencing for this property may not be higher than 4 feet if chain-link or wrought iron, or 3 feet if privacy or brick wall. c) The landscaping appears to meet ordinance standards. The PUD allows for flexibility in placement. There appears to be new trees proposed for the terrace. As with other phases, the applicant would need to work with the City Forestry Department to accomplish this. Landscaping will need to be irrigated. The plan will need to indicate specifically the number and species of landscaping. d) One sign is proposed for this phase. It would need to meet city standards. It would help if all signage for the site were applied for at one time or if plans for all signs could be looked at together. e) If any new outdoor lighting is installed, it will need to conform to city standards (i.e. down type having 100% cut-off) and needs to be shown on the plan. f) The city engineer placed a condition on the previous approvals that no new storm sewer connections to city lines would be allowed. There are two new catch basins in the parking area – where do these lines connect to? The applicant should also provide a storm water management plan to show how the parking area will be drained. g) If loading spaces are required for the commercial uses, they need to be shown on the plan. h) The Police department has reviewed the site plan and has no outstanding issues with it. i) The Fire Department has reviewed the site plan and has accepted it with the following condition: “Fire lanes will be designated at a later date.” j) The DPW has reviewed the site plan and has accepted it with the following condition, “Provide proposed utility locations.” k) The Engineering Department has reviewed the site plan and has no outstanding issues with it. Staff has not received any phone calls or letters regarding these cases. Staff recommends approval of the request with conditions.

G. Breen stated that due to some ground contamination issues with the DEQ, he has been working with Mohammed from the Engineering Department in regards to the water drainage. J. Aslakson asked if the applicant was aware of the conditions that staff had proposed. G. Breen stated that he was and he would agree to the conditions. They plan on removing the fencing that is there and will not be replacing it. They may be bringing an application for Phase III in about 3 months. B. Mazade asked about the time frame for Phase II. B. Breen stated that the owner would like to get this started right away. He believes the construction will start at the end of summer.

A motion to close the public hearing was made by L. Spataro, supported by T. Michalski and unanimously approved.

J. Aslakson stated that he had some concerns at the beginning of the first plan. He likes this design much better. L. Spataro stated that the plans address the issues that he would usually

bring up and as long as the conditions that staff proposed are met, he felt this should be approved. T. Harryman agreed.

A motion that the final PUD and associated site plan for Phase II of the commercial development at 920 Washington Avenue be approved pursuant to the determination of compliance with the intent of the City Zoning Ordinance and City Master Land Use Plan based on the following conditions: 1) A revised site plan shall be submitted which contains the following: a) The plan must be complete, and include all information and measurements for setbacks, and dimensions of the parking areas, maneuvering lanes, and parking spaces. b) One space should be eliminated in the North Eastern section of the parking lot to meet setback requirements. c) The fence should be removed or replaced. No barbed wire will be permitted. Any fencing for this property may not be higher than 4 feet if chain-link or wrought iron, or 3 feet if privacy or brick wall. d) The applicant will need to work with the City Forestry department to install proposed trees in the terrace for all phases. A detailed landscaping plan showing numbers and specials shall be included. e) Signage specifics should be submitted. Signs need to meet city standards, unless the Planning Commission would be inclined to grant flexibility since this is a PUD. f) If any new outdoor lighting is installed, it will need to conform to city standards (i.e. down type having 100% cut-off) and needs to be shown on the plan. g) A storm water management plan shall be submitted showing parking area drainage. h) Fire lanes will be designated at a later date. i) Proposed utility locations shall be provided. 2) All conditions placed on the preliminary PUD and Phase I Plan still apply, was made by B. Mazade, supported by T. Michalski and unanimously approved.

Hearing; Case 2004-17: Request for a Special Use Permit for a Car rental business at 793 W. Laketon, by Sig Rudholm. B. Lazor presented the staff report. The property is located at the intersection of Laketon Avenue and Henry Streets. The property is an odd shape with a Laketon frontage of 110', Henry 91' and the rear of 146', The side of the property follow the railroad ROW. The property contains two commercial buildings. The Zoning Ordinance allows for the sale of used and new cars in the B-4 as a special use permit. The Zoning Ordinance defines these sales areas to include the renting of vehicles. The property was an old gas station and has been subsequently abandoned. The applicant proposed to remove the building next to the road and keep the one setting further back to use as the main building. The applicant did not indicate the amount of rental cars that will be located on the site. There are twelve spaces shown near the west of the property. Staff has reviewed the site plan and has the following comments: a) There are several issues with this site. One being the maximum lot coverage for pavement. The B-4 district allows up to 25% of the lot to be covered with pavement. A lot of pavement exists on the site and would be non-conforming. Staff thinks that if new pavement were to be added to the site, the rule would be violated. If this cannot be remedied, a variance may be applied for. The applicant should show the coverages on the site plan. Staff suggest removing unnecessary pavement (like along Laketon) to help with this requirement. The planning Commission does have the authority to allow a nonconforming use to expand up to 30% b) The building has existing setbacks. The new parking and pavements will need to follow current setback requirements. The rear setback is 10'. There are two front setbacks both are 20' from the property line. The zoning ordinance allows 50% of that distance to be paved. There need to be a triangle of clear vision at the intersection. The site plan appears to have achieved this. c) The building is marked as 1152 square feet. The requirements for general retail are 1 space for every 300 sq. ft. of usable floor area. This works out to be 3.88 spaces or 4 spaces. The

applicant has supplied 16 total parking spaces for rentals and customers. This should be adequate for the site. d) There needs to be a note on the drawing that the new parking is to be paved and striped. All parking needs to be paved and striped. Curbing or curb stops need to be provided for each parking spot. e) Existing pavement needs to be labeled and new pavement needs to be labeled. f) The lot appears to have more than 5,000 square feet of parking. There needs to be 1 landscaping island or bump-out for each 5,000 square feet. These islands need to contain at least 1 canopy and 3 shrubs. g) Since there will be new construction along the Henry frontage, the other landscaping requirements need to be addressed. For each 30 linear feet there needs to be 1 canopy, 2 under story or evergreen, and 2 shrubs. Staff has determined that there is approximately 30 feet of new construction. h) Property lines and parcel dimensions need to be drawn in and labeled. i) Any new outdoor lighting needs to be shown on the site plan and needs to meet city standards (i.e. down type having 100% cutoff). j) If a dumpster is needed, it needs to be screened or placed out of site and needs to be shown on the site plan. k) Any proposed signage needs to be shown on the site plan. l) The site plan needs to meet the ingress and egress requirements of the special use. This is the entrances need to be at least 60 feet from the nearest intersection. The Henry entrance only appears to be 40'. m) No major repair or major refinishing shall be done on the lot, such use of land being only permitted in the I-1 or I-2 Industrial districts. n) The Police Department has reviewed the site plan and has no outstanding issues with it. o) The DPW has reviewed the site plan and has accepted it with condition: "Contact Kelly DeFrench Utility Supervisor RE: Water meter location 724-4100." p) The Fire Department has reviewed the site plan and has accepted it with condition: "Removal of underground storage tanks may be a concern. Responsibility may fall on new owner." q) The Engineering department has reviewed the site plan and has accepted it with the condition that surface water needs to be contained on site. Staff has received a phone call from Mr. Nolan, President of Great Lakes Diecast of 701 W. Laketon. He has no problem with the request as long as none of the vehicles spill over onto their property. Their property surrounds this property. Since this is site plan is for a special use permit, and some issues are fairly significant, staff recommends tabling the case until a revised site plan can be created addressing the major issues.

J. Aslakson asked if the SUP would include the sale of cars or if it would be just for the rentals. B. Lazor stated that the commission members could make it as a condition if they would like. T. Michalski went over the history of the building that is proposed to be demolished. He asked if there was any way to move the building. B. Mazade stated that there are no funds to help with the moving of this building. S. Rudholm informed the commission members that his experience working with Brian from the Planning Department was a better experience than he had 2 years ago. He would be willing to discuss the moving of the building with any interested party. He stated that this would be a national car rental chain. They were interested in this property as well as one that is in Norton Shores. He had talked them into looking at this property first due to the Ferry. L. Spataro stated that the Nims Neighborhood had some concerns with this area of town becoming the "auto sales corridor". They would like to have the impact mitigated. The commission should look at the greenspace requirements. He suggested the possibility of looking at donating the demolition funds to moving the building to another site. S. Rudholm stated that there would be 13% less hard surface than what is currently there. He would be open to helping move the building. He stated that it would be difficult to move the building. It looks as though it would have to be moved piece by piece as there is no subfloor in the structure. There would also be 43% more greenspacing than what is

there now. T. Harryman inquired if there would be room to leave the building where it is, it may help mitigate the area. T. Johnson asked about the site plan that was submitted to the commission members. S. Rudholm provided the commission members with a new site plan which addressed some of staff's concerns. He explained the differences. L. Spataro stated that there are things that can be done to mitigate the area using greenspacing. He stated that if they need to remove the sidewalk for the development, that it would need to be put back. S. Rudholm stated that the sidewalk would remain. J. Aslakson asked about the entrance on Henry St. S. Rudholm stated that it would be removed. He also stated that there were many gas tanks that had been removed from the property. He had provided the paperwork to Major in the Fire Department. B. Lazor asked if the applicant had still planned on needing 2 extra parking spots on the site for their staff to park. He stated that this could possibly be discussed now and added to the site plan so there wouldn't be a need to bring it back to the PC for an amendment but it still may need a variance. S. Rudholm stated that they would like to add the 2 parking spots. He showed the commission members where they would be located on the site plan. L. Spataro asked if one of the bays was going to be converted into an office. S. Rudholm stated that the one on the west side would be. L. Spataro asked if something would be done to soften the appearance of the building. S. Rudholm stated that there would be.

A motion to close the public hearing was made by T. Harryman, supported by T. Johnson and unanimously approved.

T. Michalski stated that he would like to see the building closest to Laketon be saved. He would like staff to take a look at moving and saving the building. T. Harryman agreed. He also felt that the gas station sign should also be saved. He suggested giving it to a museum. J. Aslakson asked if they should have a 30 or 60 day moratorium for the demolition of the building. B. Mazade stated that he didn't think that staff was equipped to handle it. L. Spataro would like to see the pedestrian access be retained. He suggested to see if it was practical to move the building instead of placing a moratorium on it. L. Spataro suggested adding a condition that staff work with the owner to see if it would be practical to move the building. B. Mazade stated that the applicant has addressed most of the issues for this size of a site. T. Harryman stated that the building wasn't a significant historic site, but it is historic for the area.

A motion that the special use permit for a auto rental business at 793 W. Laketon be approved, based on compliance with the City's Master Land Use Plan and conditions set forth in the City of Muskegon Zoning Ordinance based on the following conditions: 1) Pavement coverage needs to be shown not to exceed 25%. A variance may be needed to achieve this. (The Planning Commission was fine with the reduction in the pavement) 2) New pavement needs to meet current setback requirements. Rear setback is 10'. The two fronts are 20' (50% may be used for pavement). Side would need to be 10' as well. 3) A note needs to be added to the drawing indicating that parking areas are to be paved and striped. Curbs or curb stops need to be added for the parking spots. 4) Existing and proposed pavement needs to be labeled. 5) One bump outs or island need to be provided for every 5,000 square feet of parking area. These islands need to contain 1 canopy and three shrubs. Also, for every 30 linear feet of new construction, there needs to be one canopy, 2 under story or evergreen trees, and 2 shrubs. 6) Property lines and parcel dimensions need to be included on drawing. 7) Any new outdoor lighting needs to be shown on the site plan and needs to meet city standards (i.e. down type having 100% cutoff). 8) If a dumpster is to be located on the site, it will be either located out of

public view or screened with a minimum 4-foot screen fence. 9) Any proposed signage needs to be shown on the site plan. 10) The site plan needs to meet the ingress and egress requirements of the special use. This is the entrances need to be at least 60 feet from the nearest intersection. The Henry entrance only appears to be 40'. 11) No major refinishing shall be done on the lot, such use of land being only permitted in the I-1 or I-2 Industrial districts. 12) water meter location need to be furnished. 13) Removal of underground storage tanks may be a concern. Responsibility may fall with new owner. 14) All concerns from other city departments need to be met. 15) Provide for 2 future parking spaces on the east side of the building, was made by T. Johnson, supported by B. Mazade and unanimously approved.

Hearing; Case 2004-18: Staff initiated request to amend Section 1101 of Article XI (B-2, Convenience and Comparison Business Districts) to add theaters under Special Land Uses. B. Lazor presented the staff report. The preamble to the B-2, Convenience and Comparison Business Districts is written in such a way as to create places in the district that serve the needs of the entire community. There are numerous uses allowed in the district that enable the Muskegon area residents to have relatively quick access to and from. Theaters are allowed in the B-3 and B-4 districts as principal permitted uses. The areas are zoned and placed throughout the city and can handle this specific use. Allowing a theater in a B-2 district as a principal permitted use is not a good idea because some B-2 zones could not handle the traffic generated. However, adding theaters as a special use affords the planning commission some discretion over where they are located. Staff recognizes that not all places are right for theaters, but the B-2, with its preamble of serving the entire Muskegon area as its primary goal this amendment is a logical step. Theaters generate large amounts of traffic and parking needs throughout the day. However, the draw to theaters would mainly be the night when other businesses have closed or would be winding down. Staff would suggest that a condition of a theater as a special use in a B-2 district would be that they have adequate off street parking on site or with a shared parking agreement on a neighboring site. The wording for the addition was provided to the commission members.

L. Spataro stated that parking has always been an issue in the Lakeside area. He asked if there was a parking agreement in place for the property. B. Lazor explained that they also own the parking lot that is located across the street. They will also be using the parking at Great Lakes Marina. J. Aslakson stated that it was an issue for the SUP, which is the next case. This is to decide if it would be a good use in any of the B-2 zoning districts. T. Harryman stated that it would be a good use in any residential area.

A motion to close the public hearing was made by T. Johnson, supported by L. Spataro and unanimously approved.

A motion that the amendments to Section 1101 (SPECIAL LAND USES PERMITTED) of the Zoning Ordinance be recommended to the City Commission for approval, was made by T. Johnson, supported by T. Harryman and unanimously approved.

Hearing; Case 2004-19: Request for a Special Use Permit for a theater at 1937 Lakeshore Drive (Harbor Theater), by Great Lakes Marina. B. Lazor presented the staff report. The property is located on lakeshore Drive, between Torrent and Mann Streets. The property is a narrow lot (77' X 123') which contains an existing commercial building. The building takes up almost the



entire lot. There is currently a special use permit for this property for the operation of a live music concert hall. This was granted in 2002. If a new special use permit were to be approved for the operation of a theater, in essence we would be amending the current one to allow the theater to be used. The Theater had non conforming status as it was in operation for decades. When the property was used as a live music concert hall, the property became conforming and the theater lost its non-conforming status. Therefore, the Harbor Theater is currently not allowed to be "The Harbor Theater." The applicant has stated that there are 625 seats in the theater. The Zoning Ordinance requires 1 space for each 3 seats and 1 space for each two employees. The applicant has submitted a plan that shows 60 parking spaces available at 1988 Lakeshore drive (across the street and an additional 151 spaces available at the Great Lakes Marina. This includes 3 spaces for employees. A café has been proposed to open in this building as well. This type of use is permitted in the district as a principal use. A new awning has been discussed for the building. It is not shown on the site plan. If one is to be installed, a revised site plan will need to be submitted addressing that issue. Since the building takes up most of the lot, a variance may need to be applied for addressing setback issues. Since the building is already in place, staff was only able to review the site plan in terms of how the existing site will function, for the purpose of the proposed business. Staff has reviewed the submitted site plan and has the following comments: a) The property has a building that has been existing for decades. It was once used as a theater. The building takes up much of the site. b) Parking in lakeside will be forever an issue. The applicant has proposed the parking to be within a short distance to the theater. It is staff understanding that the parking lot at 1988 Lakeshore was once used as parking for the theater. The applicant has proposed to use parking in the marina (1920 Lakeshore drive). Signs would need to be placed on the gate indicating that the Harbor theater patrons could park there. The marina would be normally used for the day and the theater at night, so conflicts with parking should be low. Ellouise Hieftje of 1960 Cutler stated "In talking to many people of our area – almost 100% very excited about this endeavor. Very much in favor of this request." Bruce Stanton, 207 Fulton St. (agent for 1916 & 1924 Harrison), sent a letter in stating that he is in favor of the development of a theater at this location. He only has some concerns that the rear parking lot is well lighted, and that patrons may be encouraged not to linger around after attending a show. During the "widows open at night" season, it is rather disturbing to be awakened late in the evening by energetic groups, (or false car alarms) when someone may have to get up early in the morning to go to work. Staff recommends approval of the request with conditions.

L. Spataro stated that he would like to see the parking agreements in writing to show that they are in place. He stated that in good weather, parking may not be an issue as people may walk there since it would be located in a neighborhood. He wasn't sure if signage would be an issue. T. Harryman felt that parking would be much of an issue. G. Shiffman stated that it would be okay to park at the marina. The marina would also be willing to give dock parking for those coming by boat. The number of seats in the theater wouldn't be increased.

B. Mazade left at 5:15 p.m.

T. Harryman asked if they would be keeping the duplex. G. Shiffman stated that they would. J. Aslakson asked if an irrevocable parking agreement is a requirement in the ordinance or if it should be added as a condition. (the previous case add the condition that parking must be irrevocable). The commission could require it as a condition if they would like. T. Michalski

asked about the café being proposed. G. Shiffman stated that it would be inside the smaller theater. They are also interested in having some outdoor seating. R. Dhuse gave the history of the theater. J. Booker stated that he would like to not see parking become an issue. He supports the theater, but is concerned with the parking situation. J. Aslakson asked what the Booker Institute of Cosmetology class time were. J. Booker stated that currently it is 2 nights a week, but they are looking at increasing it to 4 and the classes end at either 8 or 9 p.m.

A motion to close the public hearing was made by T. Harryman, supported by T. Johnson and unanimously approved.

A motion that the special use permit for a theater at 1937 Lakeshore Drive by Great Lakes Marina be approved, based on compliance with the City's Master Land Use Plan and conditions set forth in the City of Muskegon Zoning Ordinance based on the following conditions: 1) Adequate parking and signage to parking needs to be provided. 2) Applicant must secure necessary permits for renovation of the interior. 3) A site plan will need to be submitted to staff if a new awning is installed at the building that is different from the current one. Since setbacks may be an issue, a variance from the ZBA may be required. This review shall not hold up the permit process or opening of the business if it is required to go to the ZBA. But the review must be completed before installation, was made by L. Spataro, supported by T. Harryman and unanimously approved.

Hearing; Case 2004-20: Staff initiated request to amend Section 1301 of Article XIII (B-4, General Business Districts) to add Taxi/Limousine services under Special Land Uses. B. Lazor presented the staff report. Staff has come across a use that is not defined or similar to any use located in the Zoning Ordinance. This use, Taxi/Limousine services. The ones in operation today have been here for decades and are non conforming uses. Since staff was unsure as to where to place the uses, the ZBA was asked to classify it. They placed it into the B-4 District. A copy of the ZBA minutes were provided to the commission members. Since the aforementioned uses should be thoroughly looked at as to where they are placed in the city. Staff is suggesting placing them into the special use category. Basically during certain hours of the day, the property would resemble a parking lot full of vehicles (much like a new car lot). Those types of uses are also special uses in the B-4 district.

A motion to close the public hearing was made by L. Spataro, supported by T. Harryman and unanimously approved.

A motion that the amendment to Section 1301 (Special Land Uses B-4, General Business) of the Zoning Ordinance be recommended to the City Commission for approval, was made by L. Spataro, supported by T. Johnson and unanimously approved.

Hearing; Case 2004-21: Request to rezone the property located at 135 Ottawa Street from WM, Waterfront Marine to B-4, General Business, by Dale Horton. B. Lazor presented the staff report. The subject property is located at the intersection of Ottawa and Bayou. It is Zoned WM, Waterfront Marine. The properties to the East and West are also zoned B-4. The properties to the north and west are zoned WM. Property to the south and southeast are B-4. To the east is seaway drive and is zoned OSC. To the SW is I-2. Seaway motors was the tenant of the property and has since moved out. The property is vacant. The WM district allows uses that

are geared towards the waterfront. The area appears to be deteriorated. Rezoning the property may be able to help start to bring more business into the area. The proposed use for this site is that of a AmbuCare business. Staff has determined that the AmbuCare service is similar in nature to a taxi/limousine service. There would be an office involved and that is what the main building would be used for. The vehicles would be parked on the site at night and then used during the day to pick-up and deliver people to their destinations. The Future Land-Use Map shows the subject property as Commercial. The subject property is located in Sub-Area 11: Seaway Drive/Waterfront Sub-Area: a) It is the goal of the Master Plan to bring about major redevelopment throughout most of Sub-Area 11 in a manner which integrates, yet protects, the area's unique natural features. b) Sub-Area issue: The environmental integrity of the Muskegon River, and associated tributaries and wetlands, are critical to the future well-being of the City. c) Sub-Area issue: Ottawa Street and Western Avenue exhibit the appearance of an aging, non-maintained, industrial corridor. Views of these systems from Seaway Drive lend a negative image to the City entryway. d) Master Plan Recommendation: Future development should be coordinated in a planned, versus piecemeal fashion. Staff has not received any public comments. Staff recommends approval of the request.

T. Johnson asked for clarification as to which property the request was for. B. Lazor stated which one that it was. D. Horton stated that the property is a long ways from the water. This would make it hard to have a business that would fall under the current zoning at this location. There is swamp land behind the property. C. Shepherd stated that she was quite interested in this project. She was trying to get an idea of what could go there under the proposed zoning. J. Aslakson asked staff to read what would be allowed in a B-4 zoning district. B. Lazor read them.

A motion to close the public hearing was made by L. Spataro, supported by T. Johnson and unanimously approved.

L. Spataro stated that this was a reasonable action as the property is far enough away from the water.

A motion that the request to rezone property at 135 Ottawa, from **WM, Waterfront Marine** to **B-4, General Business** be recommended for approval to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of compliance with the intent of the City Master Land Use Plan and zoning district intent, was made by L. Spataro, supported by T. Harryman and unanimously approved.

Hearing; Case 2004-22: Request for a Special Use Permit for a taxi service (AmbuCare) at 135 Ottawa Street, by Debbie Erickson. B. Lazor presented the staff report. The property is located at the intersection of Ottawa and bayou. The property is (142' x 142') which contains an existing commercial building. This property is the subject of 2 other Planning Commission cases this month. Please see those cases for more details. The proposed use is an AmbuCare facility. Staff has determined that this use is most similar to that of a Taxi/Limousine service. Staff has reviewed the site plan and has the following comments: a) The Site plan needs to be to a scale. It is hard to determine the measurements because not all of the written dimensions add up to the correct length. b) The property in front of the building is currently paved right up to the sidewalk, so no front setback currently exists along the street frontage. Therefore the front

setback is nonconforming. c) No dumpster location is shown on the site plan. If a dumpster is to be used on the site, dumpster needs to be screened with a 4-foot minimum screen fence or be located out of public view. d) There are 11 parking spaces shown on the site plan. Using the main building as general office which is 1 space for each four hundred square feet of usable floor space. Staff came up with a required parking number of 3. Staff did not include the new building in the parking requirements because the building itself is proposed to house the AmbuCare vehicles. e) There is existing wall signage on the site. Since a different business is proposed to go in, the old signage should be removed and can be replaced with new signage. Signage needs to conform to city standards. f) There needs to be a note on the site plan that says the parking will be striped. g) Several details are missing from the site plan which include: height of building, a north arrow, name and address of site plan preparer, date plan was prepared, property line labels. h) The drives need to be dimensioned. Staff cannot tell if there is enough room in between the handicapped parking and the parking towards Ottawa street. Any new outdoor lighting needs to be shown on the site plan and needs to meet city standards (i.e. down type having 100% cutoff). i) No landscaping is shown for the site. There are a two bushes in front of the existing building. Since there will be a new building, it will need to meet landscaping requirements. Staff has determined that there is approximately 60 linear feet of frontage and therefore 2 canopy trees, 4 understory or evergreen, and 4 shrubs will be needed. j) The DPW has reviewed the site plan and has no outstanding issues with it. k) The Fire Department has reviewed the site plan and has denied it with the following comment: "Need more information. Also, indoor parking of vehicles require that several fire safety codes be met and maintained." l) The police have reviewed the site plan and have not outstanding issues with it. m) The Engineering Department has reviewed the site plan and has no outstanding issues with it. Staff has not received any phone calls or letters regarding this case. Staff recommends approval of the request with conditions.

T. Johnson asked if the fire department issue could be handled administratively. B. Lazor stated that it could. B. Lazor stated that the building would need to meet the fire department requirements. If the building could not be put up, then the area would just be used for parking the vehicles. D. Williams stated that this was a wheelchair transportation business. J. Aslakson asked if they were aware of the conditions proposed by staff. D. Williams stated that he was. L. Spataro stated that he has some concerns with the hours of operation being from 4 a.m. to 9 p.m. This is a busy area in the evenings. He asked if there would be staff on site the entire time. D. Williams stated that staff would be there until 10 p.m. L. Spataro asked about the activity that would be on the site. D. Williams stated that there would be no sirens or lights. They have vans that are equipped with wheelchair ramps. T. Johnson asked if this would be the same as their operation in North Muskegon. D. Williams stated that it was. D. Horton stated that the applicant is currently operating the same business across the street from where he works and he doesn't hear anything from the business.

A motion to close the public hearing was made by T. Harryman, supported by L. Spataro and unanimously approved.

A motion that the special use permit for a Taxi/Limousine service store at 135 Ottawa by Debbie Erickson be approved, based on compliance with the City's Master Land Use Plan and conditions set forth in the City of Muskegon Zoning Ordinance based on the following conditions: 1) A revised site plan will be resubmitted to staff addressing the following issues: a)

The Site plan needs to be to a scale. b) No dumpster location is shown on the site plan. If a dumpster is to be used on the site, dumpster needs to be screened with a 4-foot minimum screen fence or be located out of public view. c) There is existing wall signage on the site. Since a different business is proposed to go in, the old signage should be removed and can be replaced with new signage. Signage needs to conform to city standards. d) There needs to be a note on the site plan that says the parking will be striped. e) Several details are missing from the site plan which include: height of building, a north arrow, name and address of site plan preparer, date plan was prepared, property line labels. f) The drives need to be dimensioned. Staff cannot tell if there is enough room in between the handicapped parking and the parking towards Ottawa street. g) Any new outdoor lighting needs to be shown on the site plan and needs to meet city standards (i.e. down type having 100% cutoff). h) No landscaping is shown for the site. There are a two bushes in front of the existing building. Since there will be a new building, it will need to meet landscaping requirements. Staff has determined that there is approximately 60 linear feet of frontage and therefore 2 canopy trees, 4 understory or evergreen, and 4 shrubs will be needed. i) Need more information. Also, indoor parking of vehicles require that several fire safety codes be met and maintained, was made by T. Johnson, supported by T. Michalski and unanimously approved.

#### OTHER

CEDS – Comprehensive Economic Development Strategy. L. Anguilm stated that this is something that is done every year. This is a “wish list” that is sent in. There has been a couple of things added. The commission members discussed the list.

A motion that the projects for the 2004 CEDS be recommended to the City Commission for approval, was made by T. Johnson, supported by L. Spataro and unanimously approved.

There being no further business, the meeting adjourned at 6:58 p.m.